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## Declaration under Rule 4.17:

as to the applicant's entitlement to claim the priority of the earlier application (Rule 4.17(iii)) for the following designations AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, UZ, VC, VN, YU, ZA, ZM, ZW, ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG)

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(54) Title: AMPLICON MELTING ANALYSIS WITH SATURATION DYES

(57) Abstract: Methods are provided for nucleic acid analysis wherein a target nucleic acid that is at least partially double stranded is mixed with a dsDNA binding dye having a percent saturation of at least 50% to form a mixture. In one embodiment, the nucleic acid is amplified in the presence of the dsDNA binding dye, and in another embodiment a melting curve is generated for the target nucleic acid by measuring fluorescence from the dsDNA binding dye as the mixture is heated. Dyes for use in nucleic acid analysis and methods for making dyes are also provided.



## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/33429

| A. CLASSIFICATION OF SUBJECT MATTER  IPC(7) : C12Q 1/68; C12P 19/34; C07D 279/16  US CL : 435/6, 91.2; 544/51   |  |                |   |  |  |  |
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| According to  | o International Patent Classification (IPC) or to both a   | national cl    | assification and IPC  |  |  |  |
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| Minimum documentation searched (classification system followed by classification symbols)  U.S.: 435/6, 91.2; 544/51  |  |                |   |  |  |  |
| Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched   |  |                |   |  |  |  |
| Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) Please See Continuation Sheet              |  |                |   |  |  |  |
| C. DOCUMENTS CONSIDERED TO BE RELEVANT  |  |                |   |  |  |  |
| Category *  | Citation of document, with indication, where a   |                |   | Relevant to claim No.                  |  |  |
| X<br><br>Y  | RIRIE, K. M. Product differentiation by analysis of DNA melting curves during the polymerase chain reaction. Anal. Biochem., 1997, Vol. 245, pages 154-160. entire document, especially page 154.  |                |   | 1, 14, 16, 24-28, 31,<br>45-48         |  |  |
| •   | Publication of the state of the |                |   | 2-8, 13, 15, 17-23, 29-<br>30, 32      |  |  |
| Y   | US 6,506,568 B2 (SHRIVER et al.) 14 January 2003, (14.01.2003), entire document,   |                |   | 1-8, 13-28, 31-37, 39-                 |  |  |
| Y   | especially column 3, lines 20-67, column 4, lines 1-26 US 5,658,751 A (YUE et al) 19 August 1997 (19.8.1997), entire document  |                |   | 48, 63-71, 74-75<br>9-12, 49-69, 72-82 |  |  |
| Y   | US 6,437,141 B2 (RANDALL et al) 20 August 2002 (20.8.2002), entire document  |                |   | 9-12, 49-62, 72-82                     |  |  |
| X US 6,174,670 B1 (WITTWER et al.) 16 January 20 especially, column 11, lines 10-38, column 22, lines   |  |                | 2001), entire document,   | 1, 5-7, 13-14, 17-28,<br>30-33, 39-44  |  |  |
| Y   |  |                |   | 34-38, 45-47, 63-71                    |  |  |
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|   | documents are listed in the continuation of Box C.   |                | See patent family annex.  |  |  |  |
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| "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) |  | •Y•            | "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is  |  |  |  |
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| "P" document published prior to the international filing date but later than the priority date claimed  |  | <b>"&amp;"</b> | "&" document member of the same patent family   |  |  |  |
| Date of the actual completion of the international search   |  | Date of        | Date of mailing of the international search report  |  |  |  |
| 16 April 2004 (16.04.2004)  Name and mailing address of the ISA/US  |  |                |   |  |  |  |
| Mail Stop PCT, Attn: ISA/US   |  | 1              | Authorized officer  |  |  |  |
| P.O   | mmissioner for Patents D. Box 1450   | 1              | Suryaprabha Chunduru Jahall Ford  |  |  |  |
|   | xandria, Virginia 22313-1450<br>o. (703) 305-3230  | relepho        | one No. 703-308-0196  | to                                     |  |  |
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| Continuation of B. FIELDS SEARCHED Item 3:  |                |  |
| Biosis, Embase, Caplus, Medline, Lifesci, EAST databases search terms: LCGreen, cyanine dyes, PCR, SYBR Green |                |  |
| search terms: LCGreen, cyanine dyes, PCR, SYBR Green  |                |  |
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